IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 855 of 2007

JAGDISH PRASAD
V/S
RAM VILAS & ORS.

Mr. MR SINGHVI, for the appellant / petitioner

Mr. RK THANVI, for the respondent

Date of Order : 1.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

The present writ petition has been filed against the order Annex.16 dated 6.1.2007. The grievance of the petitioner is that by this order, in substance, the earlier order dated 27.5.2006 Annex.18 has been undone. Learned counsel submitted that vide Annex.18, the petitioner's application Annex.8 has been decided. Vide Annex.8 the petitioner had prayed for deleting certain portions of the affidavits, wherein the document Ex.A-1 was sought to be proved. The objection raised in Annex.8 is that in absence of production of original, the copy could not be proved, and therefore, various averments in the affidavits were sought to be deleted.

When the matter came up, it was heard from 2nd April 2007 onwards, and during course of hearing, Mr.Thanvi learned counsel for the respondent was directed orally to find out, and make available for perusal of the Court the

original Will, in whatever condition it may be, and on the last date of hearing being 27.4.2007, learned counsel had shown the document. In that view of the matter, since the original is available with the respondent, I think it appropriate to direct the respondent to produce in the trial Court the original Will in whatever condition it is.

In that view of the matter, since the original is being produced, obviously the objection raised in Annex.8, about marking on the copy, in absence of original, no more survives. That being the position, the portions of the affidavit obviously cannot be deleted, and thus, the order does not require any interference.

The writ petition is, accordingly, disposed of.

(N P GUPTA),J.

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